

REMARKS

The above amendments and these remarks are responsive to the Office action dated July 14, 2004. Claims 2-35 are pending in the application. In the Office action, the Examiner rejected claims 1-13 under 35 U.S.C. 112, second paragraph, but indicated that claims 2-13 would be allowable if rewritten to overcome the rejections. The Examiner also rejected claims 1, 14-17, 23 and 24 under 35 U.S.C. 103(a), but indicated that claims 18-23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 25-35 are new claims and have yet to be examined. In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 USC § 112

Claims 1-13 were rejected under § 112, second paragraph. The Examiner stated that the claim language is not meaningful because it is defined in terms of the x-ray source and the x-ray film, neither of which is positively claimed. In response, applicant has canceled claim 1, and has amended claim 2 to include the language of claim 1 as the preamble. Claim 2 now claims an instrument for aligning a longitudinal axis of an x-ray beam in accordance with the bisecting angle technique comprising a first handle and a second handle, wherein orientation of the handles is correlated to alignment of the longitudinal axis of the x-ray beam. Claim 2 positively claims a first and second handle, and is therefore allowable. Claims 3-13 and 33-35 depend from claim 2, and either contain original subject matter or new subject matter. They are therefore allowable for at least the reasons stated above.

Rejections under 35 USC § 103

Claims 1, 14, 17, 23 and 24 were rejected under § 103(a) as being unpatentable over Updegrave, which discloses a dental instrument for standardizing the bisecting-angle technique. However, the Examiner indicated that claims 18-23 contain patentable subject matter, and would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant agrees with the Examiner's assessment of the claims, and amends them as follows.

As discussed above, claim 1 has been canceled. Independent claim 14 has been amended to incorporate the subject matter of claim 18 that the Examiner acknowledged as patentable. As amended, claim 14 claims a method of aligning an x-ray beam in accordance with the bisecting angle technique comprising "placing an x-ray film into the patient's mouth; attaching an alignment instrument to the x-ray film; orienting a first handle of the instrument at a first known angle relative to the x-ray film plane; and orienting a second handle of the instrument at a second known angle relative to the target plane."

Applicant has also amended the method of claim 14 by removing the step of "aligning a longitudinal axis of the x-ray beam orthogonal to a bisecting plane" as an element of the claim. This aspect of the method has instead been included in the preamble of claim 14 to indicate that the alignment instrument has been configured to properly align the longitudinal axis of the x-ray beam by orienting the first and second handles. Further, this amendment does not affect the patentability of the claim, as it merely recites the application of the bisecting angle technique disclosed in Updegrave. Because claim 14 includes the patentable elements of claim 18, it is therefore allowable.

Claims 15-32 depend from claim 14, and either contain original subject matter, new subject matter, or have been amended to conform to amended claim 14. They are therefore allowable for at least the reasons stated above.

In view of the above amendments and remarks, Applicant believes that this application is now in condition for allowance. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

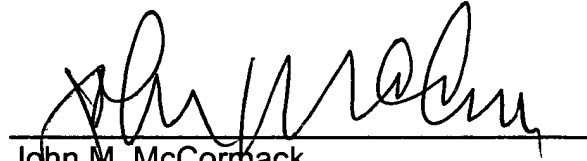
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Heidi Dutro

Respectfully submitted,

KOLISCH HARTWELL, P.C.



John M. McCormack
Registration No. 26,948
Customer No. 23581
Attorney for Applicant
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679